

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

SELIM ZHERKA

a/k/a "Sam Zherka,"

a/k/a "Sammy Zherka,"

Defendant.

S2 14 Cr. 545 (CS)

DECLARATION OF FREDERICK P. HAFETZ, ESQ.

Frederick P. Hafetz, pursuant to Title 28, United States Code, Section 1746, hereby
declares under penalty of perjury:

1. I am an attorney in the office of Hafetz & Necheles LLP, counsel of record for Defendant, Selim ("Sam") Zherka, in the above-referenced action. I submit this declaration in support of Defendant's Motion to Disqualify Prosecutors. I have personal knowledge of the following and could competently testify thereto if called upon to do so.
2. A true and correct copy of the Flyer for Westchester Tea Party rally, which was paid for by "Sam Zherka, Westchester Ind. Party, and Westchester Guardian" is attached hereto as Exhibit A.

3. A true and correct copy of the March 27, 2014 article from the *Westchester Guardian* titled “*Prosecutors Elliot Jacobson and Perry Carbone: Unethical And Corrupt HYPOCRITES!!!!!!*” is attached hereto as Exhibit B.
4. A true and correct copy of the May 6, 2014 grand jury subpoena to *The Westchester Guardian’s* direct mail distributor, Promail USA is attached hereto as Exhibit C.
5. A true and correct copy of the transcript of the September 19, 2014 hearing before District Court Judge Cathy Seibel is attached hereto as Exhibit D.
6. A true and correct copy of the transcript of the October 23, 2014 bail hearing before District Court Judge Cathy Seibel is attached hereto as Exhibit E.
7. A true and correct copy of the Declaration of AUSA Perry A. Carbone dated October 31, 2014 is attached hereto as Exhibit F.
8. A true and correct copy of the Government’s Reply Memorandum of Law in Support of Defendants Ryan and Ashcroft’s Motion for Reconsideration dated December 22, 2014 is attached hereto as Exhibit G.
9. A true and correct copy of the Government Memorandum of Law in Support of Government’s Motion for Pretrial Detention dated September 18, 2014 is attached hereto as Exhibit H.
10. A true and correct copy of the Government’s Memorandum of Law in Opposition to Defendant’s Motion for Reconsideration of the Court’s Pretrial Detention Order dated October 17, 2014 is attached hereto as Exhibit I.
11. A true and correct copy of the Government’s Surreply to Defendant’s Motion for Reconsideration of the Court’s Pretrial Detention Order dated October 22, 2104 is attached hereto as Exhibit J.

12. A true and correct copy of the letter to Frederick Hafetz from Elliot Jacobson and Perry Carbone dated November 17, 2014 is attached hereto as Exhibit K.
13. A true and correct copy of the transcript of the December 16, 2014 pretrial conference hearing before District Court Judge Cathy Seibel is attached hereto as Exhibit L.

Dated: January 5, 2015

By: /S/ Frederick P. Hafetz
Frederick P. Hafetz
HAFETZ & NECHELES LLP